

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Nov 18, 2021

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

ALLAH@,
SP/C, 5% Nation of Islam

Petitioner,

v.

DONALD R. HOLBROOK,
Sup of WSP

Respondent.

No. 4:21-CV-05120-SAB

**ORDER TO PROCEED *IN*
FORMA PAUPERIS AND
ORDER SUMMARILY
DISMISSING PETITION**

On August 31, 2021, Petitioner, a prisoner at the Washington State Penitentiary filed a *pro se* document titled, “‘Emergency’ Petition for A Writ Of Habeas Corpus, DOC Is Holding Allah© with Judgments That Are Not Signed And No Warrant Of Commitments In Violation of State Law UCC/RCW 62A.3-401 Signature,” without a completed application to proceed *in forma pauperis* or payment of the \$5.00 filing fee. ECF No. 1. On November 8, 2021, Petitioner filed a document titled, “AMENDED Petition For Writ Of Habeas Corpus, Violation Of U.S. Const. Amend. 13, § 1. ‘Neither Slavery Nor Involuntary Servitude, Except As A Punishment For Crime Whereof The Party Shall Have Been Duly Convicted . . .’ Allah© Has Never Been Convicted!!! King Co. Has No Warrant Of

**ORDER TO PROCEED *IN FORMA PAUPERIS* AND ORDER
SUMMARILY DISMISSING PETITION-- 1**

1 Commitments:” along with a five-page Supplement, ECF Nos. 7 and 8. Also on
2 that date, Petitioner sought leave to proceed *in forma pauperis*. ECF No. 9.

3 Because it appears that Petitioner lacks sufficient funds to prosecute this
4 action, his request to proceed *in forma pauperis* is **GRANTED** and this action may
5 proceed without payment of the filing fee.

6 Generally, an amended pleading will supersede the original and render it
7 without legal effect. *Lacey v. Maricopa Cty.*, 693 F.3d 896, 927 (9th Cir. 2012).
8 Therefore, the Court will proceed with the Amended Petition received on
9 November 8, 2021, ECF No. 7, as the operative Petition in this case.

10 Petitioner contends that he is being illegally restrained in violation of the
11 Thirteenth Amendment of the United States Constitution, claiming there is no valid
12 Warrant of Commitment and persons within the Department of Corrections have
13 “made the name Allah Allah.” ECF No. 7 at 1–2. He claims that he is being held
14 fraudulently. *Id.* at 2–4.

15 Petitioner challenges Franklin County Case No. 12-1-50324-8. *Id.* at 5; ECF
16 No. 8 at 1. This is the thirteenth habeas action Petitioner has filed in this District
17 since 2010. In 2012, Petitioner began challenging Franklin County Case No. 12-1-
18 50324-8. *See Allah v. Long*, No. 2:12-CV-00549-RMP (Jan. 30, 2013) (challenge
19 to Franklin County Superior Court case number 12-1-50324-8 dismissed without
20 prejudice for failure to exhaust); *Allah v. McGrath*, No. 2:13-CV-00355-JTR (Dec.
21 16, 2013) (dismissed pursuant to Rule 3(a), Rules Governing Section 2254 Cases
22 in the United States District Courts, and 28 U.S.C. § 1914(a) for failure to pay
23 applicable filing fee or provide a completed *in forma pauperis* application); *Allah*
24 *v. Holbrook*, No. 4:15-CV-05100-SAB (Feb. 24, 2016) (dismissed without
25 prejudice for failure to present a statement showing an entitlement to relief or that
26 claims had been exhausted); *Allah v. Holbrook*, No. 4:16-CV-05045-SAB (Sept. 1,
27 2016) (dismissed without prejudice for failing to state any cognizable grounds for
28 federal habeas relief regarding Judgment and Sentence in Franklin County cause

1 number 12-1-50324-8, and rejecting Petitioner's contentions regarding the name(s)
2 under which he is being detained as not warranting federal habeas relief); *Allah v.*
3 *Holbrook*, No. 4:19-CV-05208-SAB (Nov. 21, 2019) (denying with prejudice
4 Petitioner's repeated arguments regarding the name(s) under which he is being
5 detained and his untenable challenges to his federal criminal conviction); *Allah v.*
6 *Haggerty, et al.*, No. 4:19-CV-05279-SAB (dismissed pursuant to Rule 3(a), Rules
7 Governing Section 2254 Cases in the United States District Courts, and 28 U.S.C.
8 § 1914(a) for failure to pay applicable filing fee or provide a completed *in forma*
9 *pauperis* application); *Allah v. Holbrook*, No. 4:20-CV-5018-SAB (May 11, 2020)
10 (summarily dismissing Habeas Action with prejudice, declining to entertain
11 Petitioner's arguments regarding the names(s) under which he is being detained);
12 *Allah v. Holbrook*, No. 4:20-CV-5084-SAB (July 14, 2020) (summarily dismissing
13 Habeas Action with prejudice, declining to entertain Petitioner's arguments
14 regarding the names(s) under which he is being detained) (Ninth Circuit denied
15 Certificate of Appealability on February 9, 2021, No. 20-35646).

16 Petitioner's repeated assertions regarding the name(s) under which he is
17 detained do not warrant federal habeas relief, and his contentions regarding his
18 Franklin County conviction in case No. 12-1-50324-8 have been previously
19 rejected by the Court. *See Allah v. Holbrook*, No. 4:16-CV-05045-SAB. The Court
20 declines to entertain Petitioner's arguments further.

21 Therefore, **IT IS ORDERED** the Petition, ECF No. 7, is **DENIED with**
22 **prejudice.**

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**ORDER TO PROCEED *IN FORMA PAUPERIS* AND ORDER
SUMMARILY DISMISSING PETITION -- 3**

1 **IT IS SO ORDERED.** The Clerk of Court is directed to enter this Order,
2 enter judgment, and forward a copy to Petitioner. The Clerk of Court shall **close**
3 the file. The Court certifies that pursuant to 28 U.S.C. § 1915(a)(3), an appeal from
4 this decision could not be taken in good faith, and there is no basis upon which to
5 issue a certificate of appealability. 28 U.S.C. § 2253(c); Fed. R. App. P. 22(b).

6 **DATED** this 18th day of November 2021.



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11 Stanley A. Bastian
12 Chief United States District Judge
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